

REMARKS – General

Claim Rejections under 35 USC §112:

The most recent Office Action (OA) rejects claims 1-29 as being indefinite. Specifically, the OA states that there is insufficient antecedent basis for the limitation “where the pre-provisioned content exists, selecting the content.” Applicants have canceled this language from claim 1. Applicants respectfully request reconsideration of the rejection.

Claim Rejections under 35 USC §103:

The most recent Office Action (OA) rejects claims 1-33, 35, 36, 39-51, 55, 56, 58, and 60-73 under 35 USC §103 as being unpatentable over Jiang et al., US Pat. No. 6,741,853, hereinafter “Jiang”, in view of Tso et al., US Pat. No. 6,088,803, hereinafter “Tso”. Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to recite the step of determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host following the step of determining whether pre-provisioned content corresponding to the device exists. Support for the amendment may be found in the specification at paragraph [0064] (“The applications are stored locally in a carrier's application data repository (which may be located in the MAS or at the carrier's premises) or are optionally stored in trusted third-party servers.”); paragraph [0092] (“Depending upon preferences of a trusted third party host or the carrier, the application code retrieved by the Retriever 701 may be already provisioned.”); and paragraph [0091] (“The Retriever 701 typically activates the Remote Fetcher 702 to retrieve such applications hosted on Remote Application Hosts 709...”). Further, paragraph [0091] states, “Carriers may also choose to allow trusted third-party application providers to host the applications from Remote Application Hosts 709, which are under the control of the trusted third-party application providers.”

Applicants respectfully submit that neither Jiang nor Tso teaches such a step. Jiang fails to teach retrieving pre-provisioned content from a remote, trusted source. Jiang rather dynamically inspects and adapts all retrieved content, regardless of source. See, e.g., Jiang at col. 6, lines 41-64 and col. 8, lines 8-19. Likewise, Tso fails to teach determining whether pre-provisioned content corresponding to the target device exists, but only teaches detecting whether the pre-provisioned content is locally stored. The OA notes that Tso discloses a transcoding server including a cache memory to store the transcoded version of the content for latter transmission (Tso, col. 6, lines 51-54). Note that FIG. 4 and FIG. 5 of Tso teach the cache memory and the cache storage disposed locally within the networked device. Further, the specification of Tso expressly teaches away from retrieving pre-provisioned content from a remote, trusted, third party hosts in that Tso's disclosure teaches examination of all content, regardless of source.

As neither Jiang nor Tso teaches determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host, Applicants respectfully submit that the combination of Tso and Jiang fails to teach such a step. Applicants respectfully request reconsideration of the rejection to claims 1-29 in light of these comments.

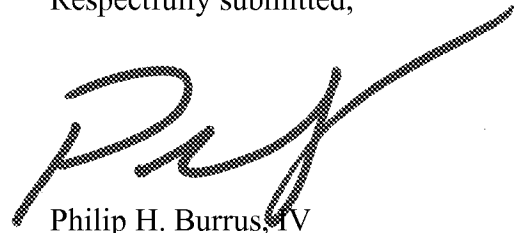
Similarly, Applicants have amended claim 30, 45, and 61 in like fashion to that of claim 1. As such, Applicants respectfully request reconsideration of claims 30, 45, 61 and their respective dependent claims 31-33, 35, 36, 39-44, 46-51, 55, 56, 58, 60, 62-73 in light of the amendment.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit. If any matter may be more easily handled by telephone, the undersigned attorney welcomes telephone calls from the Examiner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Burrus, IV', with a long, sweeping horizontal stroke extending to the right.

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